IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1376 OF 2005

Sonal Tejus Desai ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. A.G. Damle i/b Dipak Chari for the applicant.
Mr. S.R. Shinde, APP for the State.

CORAM: V.M.KANADE,J.
DATE : 31/03/2005

P.C.:

1. Heard the learned counsel for the applicant.

2. Applicant is challenging the order dated 14/01/2005 passed by the Additional Sessions Judge who has rejected the application filed by the accused No.3 for alteration of charge from section 307 I.P.C. to other charge.

3. The learned Counsel for the applicant submits that the application was filed by him before framing of the charge and the said application has been rejected. From the order, it can be seen that the Sessions Judge has observed that at this stage there is no question of alteration of charge. Obvioulsy, apart from considering the application on merits, the Trial Court has observed that this is not an appropriate stage for

considering the application for alteration of the charge. Applicant may, if advised, file an application for alteration of the charge at the time of framing of the charge. If such an application is made the same may be considered on its own merits and in accordance with law.

4. Criminal Application is accordingly rejected.

V.M. KANADE, J.